

U.S. Patent Application No. 10/697,774

REMARKS**I. RESPONSE TO THE NOTICE OF NON-COMPLIANT AMENDMENT DATED MAY 3, 2006**

In the Notice of Non-Compliant Amendment dated May 3, 2006, the Examiner stated that Applicant's reply filed November 23, 2005 (apparently received by the Patent Office on December 6, 2005) was non-compliant because each claim allegedly did not include a proper status identifier. In response, Applicant has provided herein a proper status identifier for each claim.

II. INTERVIEW

Applicant thanks Examiner Charles and Mr. Millin for the courtesies extended during the personal interview conducted with Bill Isaacs on October 12, 2005. During that interview, Applicant's representative discussed the features that distinguish the inventions recited in Claims 1, 7, and 8 from the documents cited by the Examiner. In particular, Applicant's representative explained how none of the cited documents describe ACH operator processing of ACH payments or graphically depicting errors in header information. Accordingly, none of the cited documents teaches or suggests the features recited in Applicant's claims. The Examiner did not comment on the patentability of the invention during the interview. The remarks below provide a written summary of the distinguishing features of the claimed invention. The parties did not discuss claim amendments during the interview.

III. PENDING CLAIMS

Claims 1-85 are pending in the present application, with Claims 1, 21, 35, 54, 63, 71, 76, and 81 being independent. Claims 1, 21, 35, and 54 have been amended herein. Those claim amendments do not narrow the scope of those claims. Additionally, Applicant has not amended those claims in view of any prior art. Applicant has amended those claims merely to make clear that the presented status is the "tracked" status. Applicant notes that the "tracked" status was

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U.S. Patent Application No. 10/697,774

apparent prior to the claim amendments based on the antecedent basis for "the status." No new matter has been added.

IV. CLAIM REJECTIONS UNDER 35 U.S.C. § 103 FROM THE OFFICE ACTION DATAED AUGUST 25, 2005

In the Office Action mailed August 25, 2005, the Examiner rejected all pending Claims 1-85 over U.S. Patent Application Publication No. US 2003/0158811 to Sanders (hereinafter "Sanders") in view of various combinations of U.S. Patent Nos. or U.S. Patent Application Publication Nos. US 2002/1020537 to Morea et al. (hereinafter "Morea"); 6,615,258 to Barry et al. (hereinafter "Barry"); 6,219,669 to Haff et al. (hereinafter "Haff"); 5,742,819 to Caccavale (hereinafter "Caccavale"); 6,076,064 to Rose, Jr. (hereinafter "Rose"); 5,761,510 to Smith, Jr. et al. (hereinafter "Smith"); and/or 5,790,778 to Bush et al. (hereinafter "Bush"). Applicant respectfully traverses those rejections.

A. None of the Cited Documents is Relevant to ACH Operator Processing

None of the documents cited by the Examiner describes processing of ACH files, batches, and/or items by an ACH Operator. Accordingly, none of the cited documents is relevant to Applicant's claims which recite ACH operator processing.

1. Independent Claims 1, 21, 35, 54, and 63

Each of independent Claims 1, 21, 35, 54, and 63 includes a feature regarding tracking (or receiving) the status of an ACH file, batch, and/or item during each of a plurality of processing events performed by an ACH operator. Applicant submits that none of the documents cited by the Examiner, either alone or in combination, teach or suggest at least that feature, as recited in each of the independent claims at issue.

a) Sanders (The Main Reference)

Sanders is the main reference upon which the Examiner relied. Specifically, the Examiner stated that Sanders discloses "tracking on a computer a status of the ACH file during

U.S. Patent Application No. 10/697,774

each of a plurality of ACH file processing events performed by the ACH operator.” However, Sanders does not describe ACH processing events performed by an ACH operator. Accordingly, Sanders is not applicable to Applicant’s claims. More specifically, Sanders mentions an “ACH operator” only as follows:

The ACH Network provides for the inter bank clearing of electronic entries for participating financial institutions. Financial institutions can transmit or receive ACH entries through ACH operators such as the American Clearing House Association, the Federal Reserve, the Electronic Payments Network, and Visa. . . . For processing of financial transactions via the ACH Network, Originating Depository Financial Institutions (ODFIs) submit ACH payment files to the ACH Operators. The ACH Operators accumulate the ACH payment files, sort the payment files by destination, and transmit the sorted files to Receiving Depository Financial Institutions (RDFIs) for application to customer’s accounts at predetermined times throughout a business day. Accordingly, the ACH system provides significant economies of scale compared to individual wire transfers, and is faster and more accurate than paper check processing.

See paragraphs 0005 and 0007 in the background of Sanders. None of that disclosure describes the actual processing of ACH files, batches, or items or the tracking of multiple ACH file processing events performed by an ACH operator.

In fact, Sanders is not directed to any processing performed by an ACH operator. To the contrary, Sanders is directed to actions taken before and after transactions are processed via the ACH network. “Overall, the ACH Network provides an efficient alternative to traditional paper check processing. That is, the ACH Network uses electronic and telecommunications technology to replace paper check processing. However, improved methods for inputting electronic funds transaction data into the ACH Network, as well as, improved methods for handling returns processing are desired.” See paragraph 15 (emphasis added).

Sanders describes an electronic funds transaction clearinghouse network (the financial network 14) only in general terms to teach that a file transfer agent 24 can transfer and receive files from the network 14. See e.g., paragraphs 0032, 0033, 0042, and 0044. Again, Sanders fails to teach or suggest any tracking of the status of any processing events performed via the financial network 14, and an ACH operator would be at least a part of that network.

U.S. Patent Application No. 10/697,774

Sanders describes its allegedly inventive processes for preparing files before sending those file so the financial network 14 and after receiving return files from the financial network 14. The file transfer agent 24 described in Sanders (and referenced by the Examiner) performs processing before and after any actions that occur at the financial network 14 (which would include an ACH operator). "The file transfer agent 24 operatively connects to the business layer 22 for initiating a request to build a data file from processed electronic funds transaction data. In response to building the data file, the file transfer agent 24 transfers the data file 38 to at least one of a financial institution 16, an agent of a financial institution 18, and an electronic funds transaction clearinghouse network 14. The file transfer agent 24 transfers the data file 38 for placement of the data file on the electronic funds transaction clearinghouse network 14." Paragraph 0033 (emphasis added). "The file transfer agent 24 retrieves dishonored item data 40 from the at least one of the financial institution 16, the agent of the financial institution 18, and the electronic funds transactions clearinghouse network 14. In response to the dishonored item data retrieved by the file transfer agent 24, the business layer 22 [which is not part of the network 14] processes the dishonored item data according to one or more of the following: (a) a rules based processing rule and (b) an electronic funds transaction clearinghouse network rule. For example, the rules base processing rule may include a custom configured business rule. Similarly, the electronic funds transaction clearinghouse network rule may include an electronic funds transaction clearinghouse network dishonored items rule." Paragraphs 0044-45 (emphasis added).

Accordingly, any reference that Sanders makes to a "transaction history request" (paragraph 0040); transactions being successful, failed, or pending (paragraph 175); providing a notification of a dishonored transaction item (paragraph 0294); or a status of a modified transaction being "pending, failed, submitted, and cleared" (paragraph 0368) provide information related to the processes described by Sanders alleged invention and do not teach or suggest the specific ACH operator file processing events recited in Applicant's claims. More specifically, "[i]n one embodiment, pending may represent that the modified transaction data has been accepted into the transaction database, but not yet sent to the ODFI, and thus not in the ACH Network. Failed may represent that the modified transaction has failed for a particular reason.

U.S. Patent Application No. 10/697,774

Submitted may represent that the modified transaction has been sent to the ODFI and submitted to the ACH Network for payment processing. Lastly, cleared may represent that payment processing by the ACH Network has been completed and the [sic] funded according to the given transaction." *Id.* As described in Sanders, none of those processing events teaches or suggests the specific ACH processing events recited in Applicant's claims.

b) Supporting Documents Cited by the Examiner

Applicant submits that none of the other documents cited by the Examiner, either alone or in combination with Sanders and/or other documents, teaches or suggests the claimed feature discussed above. More specifically, the supporting documents cited by the Examiner teach only the following non-relevant features:

(1) Morea

The Examiner cited this document in combination with Sanders and Barry against independent Claims 1, 21, 35, 54, and 63. This document shows only a seller approving a buyer's use of an ACH transaction. "Buyer 120 confirms ACH transaction 138 and Seller 122 sends back an approval response 140 confirming that Seller 122 has agreed to the transaction." Paragraph 0070. This document does not describe ACH operator processing, and specifically does not describe "approving" an ACH file, batch, or item during an ACH operator processing event. This document describes sending information to or from an ACH member bank. "TeleCheck in turn sends transaction files to an ACH member bank for presentment. The transaction is approved and transaction details 144 are created, which are sent back to SurePay Manager 146 to generate transaction reports." *Id.* The transaction approval is not performed by an ACH operator and does not describe an ACH operator processing event.

(2) Barry

The Examiner cited this document in combination with Sanders and Morea against independent Claims 1, 21, 35, 54, and 63. Although this document contains the word "confirming," this document shows only "confirming" that an incoming request includes a

U.S. Patent Application No. 10/697,774

validly formatted message for a service. "Each of these proxy processes further performs: a validation process for examining incoming requests and confirming that they include validly formatted messages for the service with acceptable parameters" Column 54, lines 52-55. Barry does not describe ACH operator processing, ACH files, batches, or items, or tracking (or receiving) a status of ACH files, batches, or items during ACH operator processing events.

(3) Caccavale

This document was cited against dependent Claims 7, 8, 14, 18, 24, 28, 32, 41, 42, 48, 53, 56, 59, 62, 68, and 69 for allegedly describing header information and a graphical representation of errors. This document also does not teach or suggest ACH operator processing and specifically does not describe tracking (or receiving) a status of ACH files, batches, or items during ACH operator processing events. Furthermore, this document does not teach the feature for which the Examiner cited it. Specifically, this document merely describes buffering file header information after closing a file to speed the reopening of the file. See column 6, line 63, to column 7, line 21. This document is not even related to header errors or error correction.

(4) Rose

This document was cited against the same claims as Caccavale for allegedly describing comparing values via graphs to detect and display errors. This document also does not teach or suggest ACH operator processing and specifically does not describe tracking (or receiving) a status during ACH operator processing events. Rose describes creating a graph representing information in a record, such as a car registration. See column 14, line 54, to column 15, line 12. None of that data is header information, and none of that data is related to an ACH transaction or an ACH file, batch, or item. Then, Rose compares the graph of the data to a graph of input data and detects errors in the data based on non-matching portions of the graphs, which are compared mathematically and not visually. The errors are not presented to the user and certainly are not graphically presented. See id.

U.S. Patent Application No. 10/697,774

(5) Haff, Smith, and Bush

Haff, Smith, and Bush also fail to teach or suggest the specific features claimed in independent Claims 1, 21, 35, 54, and 63.

2. Dependent Claims

Certain claims depending from the independent claims discussed above include additional features that further define the claimed feature of tracking (or receiving) the status of an ACH file, batch, or item during each of a plurality of processing events performed by an ACH operator. Accordingly, Applicant submits that each of those dependent claims is allowable on its own merit.

B. None of the Cited Documents Teaches "Graphically Depicting Errors"

Each of independent Claims 71, 76, and 81 also includes the feature of graphically depicting errors in header information. Furthermore, dependent Claims 7, 8, 14, 18, 24, 28, 32, 41, 42, 48, 53, 56, 59, 62, 68, 69, 72-75, 77-80, and 82-85 also recite that feature. Applicant submits that none of the cited documents, either alone or in combination, teaches or suggests that feature.

1. The Documents Cited by Examiner**a) Caccavale**

The Examiner cited Caccavale as allegedly disclosing "header information and graphical representations of errors." While Caccavale may show header information, that document fails to teach or suggest depicting any errors in header information, graphically or otherwise. Specifically, the portion of the document cited by the Examiner does not relate to identifying errors in header information or presenting those errors in any fashion. That portion describes buffering file header information after closing a file to speed the reopening of the file. See column 6, line 63, to column 7, line 21. Accordingly, Caccavale does not teach or suggest graphically depicting errors in header information.

U.S. Patent Application No. 10/697,774

b) Rose

The Examiner cited Rose for allegedly disclosing "comparing values via graphs to detect and display errors." While Rose may compare graphs to identify errors, Rose does not teach or suggest presenting the graphs or the errors, which therefore does not describe graphically depicting errors. Rose describes creating a graph representing information in a record, such as a car registration. See column 14, line 54, to column 15, line 12. None of that data presents an error in the information. Then, Rose mathematically compares the graph of the data to a graph of input data and detects errors in the data based on non-matching portions of the graphs. The detected errors can be corrected, but those errors are not graphically presented. See id. Additionally, none of the data described in Rose is header information, and none of that data is related to ACH transactions or an ACH file, batch, or item.

c) Smith and Bush

Smith and Bush also fail to teach graphically depicting errors in header information.

2. Additional Claim Limitations that Define "Graphically Depicting Errors"

Claims 8, 42, 69, and 71, 76, and 81 recite additional features that further define the feature of graphically depicting errors in header information. Specifically, those claims recite the following steps (or similar features with respect to a file, batch, or item):

U.S. Patent Application No. 10/697,774

comparing the header information of the ACH [file] to required information comprising a plurality of required characters, the header information comprising a plurality of header characters that each correspond to a respective one of the required characters;

determining whether each one of the header characters conforms to the corresponding one of the required characters;

identifying an erroneous portion of the header information in response to a determination that at least one of the header characters does not conform to the corresponding one of the required characters;

presenting an error ruler comprising a continuous string of data locations each corresponding to a respective location and order of the required characters; and

highlighting a portion of the error ruler that corresponds to a location of the erroneous portion of the header information within the required information.

The entirety of the Examiner's position regarding all of those steps is quoted as follows: "[I]n col. 14, lines 15-67 of Rose, Jr. disclose [sic] comparing values via graphs to detect and display errors. And in col. 6, line 60-col. 7, line 23 of Caccavale, [sic] disclose header information and graphical representation of errors." Office Action at page 9. That description provided by the Examiner fails extensively to teach the multiple steps recited in the claims-at-issue. Additionally, Applicant has previously discussed the deficiencies of Rose and Caccavale for teaching graphically depicting errors in general, and those documents also fail to teach or suggest the additional steps discussed above.

The Examiner further states that Sanders, Morea, Barry, Rose, and Caccavale fail to disclose "error conditions in header files and correct conditions identified in file headers." For that feature, the Examiner cites Smith. While Applicant does not understand the applicability of the Examiner's assertion, Applicant further notes that Smith simply does not teach or suggest graphically depicting errors in header information or the specific method steps for presenting that information. Smith may describe reporting errors in a header file, but that reporting does not encompass a graphical depiction of those errors. See column 10, lines 17-41. For example, the error table identified in Figure 8 provides only an alphanumeric description of the errors. See id.

U.S. Patent Application No. 10/697,774

C. Summary

Based on the above, Applicant submits that independent Claims 1, 21, 35, 54, 63, 71, 76, and 81 are patentable over the documents cited by the Examiner. Additionally, the remaining claims depend from one of the independent claims either directly or indirectly and are submitted to be patentable for similar reasons. The dependent claims also recite additional features further defining the present invention over the cited documents, and Applicant submits that the cited documents do not teach or suggest integrating those features into the presently claimed invention. Accordingly, Applicant requests separate and individual consideration of each dependent claim.

Applicant has not addressed each specific rejection of the dependent claims herein because Applicant submits that the independent claims (and/or intervening claims) are allowable over the documents of record. Applicant has not acquiesced to any such rejection and reserves the right to address the patentability of any additional claim features in the future. Applicant has addressed herein only exemplary features of the dependent claims that further define the invention over the cited documents.

U.S. Patent Application No. 10/697,774

V. CONCLUSION

Applicant submits the foregoing as a full and complete response to the Notice of Non-Compliant Amendment dated May 3, 2006 and the Office Action dated August 25, 2005. Applicant submits that this Response addresses each item raised in the Notice and the Office Action and respectfully requests allowance of the application. If any issues exist that can be resolved with an Examiner's Amendment or a telephone conference, please contact Applicant's undersigned attorney at 404.572.2809.

Respectfully submitted,



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